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SENATE BILL 1824

By Clabough

AN ACT to amend Tennessee Code Annotated, Title 55, and Title 56, relative to the financial responsibility of persons registering motor vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Mandatory Motor Vehicle Insurance Act of 2001."

SECTION 2. Tennessee Code Annotated, Title 55, Chapter 4, is amended by adding the following as a new section:

Section _____.

(a) It is the policy of the State of Tennessee that no vehicle shall be registered or driven on the highways of the State of Tennessee which is not in compliance with the Financial Responsibility Law of 1977.

(b) No registration or renewal of registration of a motor vehicle shall be issued by the commissioner unless the application for registration or renewal is accompanied by evidence that the vehicle and its owner have met the requirements of the Tennessee Financial Responsibility Law of 1977, Tennessee Code Annotated, Title 55, Chapter 12, for the period during which the registration

or renewal will be valid. Every registration shall be accompanied by the following notice: "THIS REGISTRATION SHALL AUTOMATICALLY TERMINATE UPON THE FAILURE TO MAINTAIN EVIDENCE SHOWING THAT THIS VEHICLE AND ITS OWNER MEET THE REQUIREMENTS OF THE TENNESSEE FINANCIAL RESPONSIBILITY LAW."

(c) Submission of one (1) of the following shall be evidence sufficient to show a vehicle and its owner have complied with the requirements of the financial responsibility law as required in subsection (b):

(1) A certificate, valid for one (1) year on forms provided by the commissioner from an insurance company authorized to do business in Tennessee stating that a policy of insurance meeting the requirements of the Tennessee Financial Responsibility Law of 1977 has been issued and will be in force during the period of registration or renewal; or

(2) A certificate, valid for one (1) year issued by the commissioner of safety stating that a cash deposit or bond in the amount required by the Financial Responsibility Law of 1977 has been paid or filed with the commissioner's office for the period of registration or renewal.

(d)

(1) Anyone who operates a motor vehicle unless the motor vehicle is covered by a liability insurance policy or fails or refuses to comply with a request by a law enforcement officer for display of evidence of insurance, upon conviction, is guilty of a Class C misdemeanor punishable by a fine of up to five hundred dollars (\$500) for the first conviction. A second or subsequent conviction is punishable by a fine up to one thousand dollars (\$1000) or suspension of drivers license for a period not exceeding six (6) months, or both.

(2) A person is guilty of a Class C felony who, with fraudulent intent:

(A) Alters, forges or counterfeits an insurance card to make it appear valid; or

(B) Makes, sells or otherwise makes available an invalid or counterfeit insurance card, or other evidence of insurance.

Violation of this subdivision is punishable by a fine of not less than five hundred dollars (\$500) or more than five thousand dollars (\$5,000), or by imprisonment for not less than one (1) year and one (1) day or more than ten (10) years, or both.

(e) Upon the cancellation or termination of any policy of insurance which was used as a basis of the certificate provided in subsection (c)(1) prior to the expiration of such certificate where no replacement policy is issued the insurer shall within ten (10) days provide notice to the commissioner and to the insured that to the insurer's knowledge the vehicle no longer meets the requirement of the financial responsibility law and that the registration of such vehicle will automatically terminate in fifteen (15) days unless such requirements are met.

(f) Upon the withdrawal of any cash deposit or bond which was used as a basis for the certificate provided in subdivision (c)(2) prior to the expiration of such certificate the commissioner of safety shall within ten (10) days provide notice to the registrant that to the commissioner's knowledge the vehicle no longer meets the requirements of the financial responsibility law and that the registration of such vehicle will automatically terminate in fifteen (15) days unless such requirements are met.

(g) The registration of any vehicle shall automatically terminate fifteen (15) days from the date the commissioner receives notice pursuant to subsection

(e) or (f), unless the owner of the vehicle provides the evidence provided in subsection (c).

(h) The commissioner shall, upon receipt of the notice provided in subsection (e) or (f), immediately notify the registrant that the registration of such vehicle has terminated unless the registrant submits the evidence provided in subsection (c).

(i) Beginning July 1, 2001, if the commissioner determines the owners are not maintaining liability insurance, the commissioner will suspend the vehicle tag registration. The registration reinstatement fee will be one hundred dollars (\$100) for the first suspension, and the owner will be required to provide proof of liability insurance. For subsequent registration reinstatements, obtainable only after the owner's license has been suspended for six (6) months and upon presentation of proof of liability insurance, the fee will be two hundred dollars (\$200).

(j) Any insurance company which fails to provide the notice required in subsection (e) shall remain liable to the extent of the original policy limits for any accident the policy would have covered during the period of validity of the certificate or until notice required in subsection (e) is provided to the commissioner, whichever is earlier.

SECTION 3. This act shall take effect July 1, 2001, the public welfare requiring it.